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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,733	07/30/2003	Hiraku Chakihara	501.42869X00	7533
20457	7590 02/28/2006		EXAM	INER
ANTONELLI, TERRY, STOUT & KRAUS, LLP			ABRAHAM, FETSUM	
1300 NORTH SUITE 1800	SEVENTEENTH STR	REET	ART UNIT	PAPER NUMBER
ADINGTON VA 22200 3873		2826		

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	10/629,733	CHAKIHARA ET AL.			
Office Action Summary	Examiner	Art Unit			
	Fetsum Abraham	2826			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION  16(a). In no event, however, may a reply be tire  iill apply and will expire SIX (6) MONTHS from  cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 16 Se	eptember 2005.				
	action is non-final.				
·	, <del></del>				
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4)⊠ Claim(s) <u>1-23,33-47 and 51-97</u> is/are pending in the application.					
4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.					
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) <u>all</u> are subject to restriction and/or ele	ction requirement.				
Application Papers					
9) The specification is objected to by the Examiner.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:					
1. Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents have been received in Application No					
3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Bureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of the certified copies not received.					
Attachment(s)	_				
1) Notice of References Cited (PTO-892)	4) Interview Summary Paper No(s)/Mail D				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date		Patent Application (PTO-152)			

Application/Control Number: 10/629,733

Art Unit: 2826

## **DETAILED ACTION**

Page 2

This application contains claims directed to the following patentably distinct species: \*\*\*

- 1) The first embodiment described in the first 79 pages of the specification
- 2) The second embodiment described between pages 79-80 of the specification.
- 3) The third embodiment described between pages 80-83 of the specification
- 4) The fourth embodiment described between pages 83-87 of the specification
- 5) The fifth embodiment described between pages 87-92 of the specification.
- 6) The sixth embodiment described between pages 92-93 of the specification.
- 7) The seventh embodiment described between pages 93-96 of the specification.
- 8) The eighth embodiment described between pages 96-99 of the specification.
- 9) The ninth embodiment described between pages 89-103 of the specification.
- 10) The tenth embodiment described between pages 103-106 of the specification.
- 11) The eleventh embodiment described between pages 106-112 of the specification.
- 12) The twelfth embodiment described between pages 112-113 of the specification.
- 13) The thirteenth embodiment described between pages 113-114 of the specification.
- 14) The fourteenth embodiment described between pages 114-115 of the specification.

The species are independent or distinct because they posses features that differ from each other and require distinct examination processes.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, said MISFET is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not

Application/Control Number: 10/629,733

Art Unit: 2826

distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fetsum Abraham whose telephone number is 703-305-3793. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Flynn Nathan can be reached on 703-308-6601. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2826

n **Å**braham